

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PRISON LEGAL NEWS, a Project of
the Human Rights Defense Center,

Plaintiff,

v.

Case No. 11-cv-13460
Honorable Denise Page Hood

LIVINGSTON COUNTY SHERIFF BOB
BEZOTTE, individually and officially,
and LIVINGSTON COUNTY,

Defendants.

**ORDER DENYING MOTION FOR SANCTIONS AND GRANTING THE ACLU'S
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Now before the Court is Defendants' Motion for Sanctions, filed October 7, 2011, and the American Civil Liberties Union's (ACLU) Motion for Leave to File *Amicus Curiae* Brief, filed February 9, 2012.

Defendants ask that this Court impose sanctions on Prison Legal News (PLN) for their attorneys deliberately misrepresenting themselves as an attorney for an inmate in order to gain access to inmates. Specifically, Defendants take issue with the following: (1) PLN attorney Brian Prain stating that his visit to an inmate was regarding a prospective representation in a criminal matter and that he was visiting an inmate upon request; and (2) PLN attorney Lance Weber misrepresenting the nature of PLN's correspondence to an inmate as legal mail. PLN contends that Mr. Prain's visit with an inmate was at the inmate's request and had nothing to do with the pending lawsuit. It asserts that designating its mail as "legal" was not impermissible.

Eastern District of Michigan Local Rule 83.22(d) allows the Court to “impose discipline . . . on any attorney who engages in conduct violating the Rules of Professional Conduct, these rules, the Federal Rules of Civil or Bankruptcy Procedure, or orders of the court; or engages in other conduct unbecoming of a member of the bar of this court.” In reviewing the motions by both sides, sanctions are inappropriate. Both sides are engaging in finger pointing. Defendants’ Motion for Sanctions is DENIED.

Accordingly,

IT IS ORDERED that Defendants’ Motion for Sanctions [**Docket No. 12, filed October 7, 2011**] is **DENIED**.

IT IS FURTHER ORDERED that the ACLU’s Motion for Leave to File *Amicus Curiae* Brief [**Docket No. 28, filed February 9, 2012**] is **GRANTED**. The ACLU is directed to file its *Amicus Curiae* Brief.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 30, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 30, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager